applicable to garden and dry as well as to wet lands and the Bill is just an addition of the words "garden and dry" and consists of one Section.

Mr. Subramania Iyer.—I second it.

Mr. Udaya Varma Raja.—I approve of the principle. I would, however, invite attention to the Proceedings of Government on the subject, wherein the main causes are mentioned; but Government seem to have taken steps in respect of only one of them, namely, the extension of the Regulation to garden and dry lands. This is not the only reason why the Regulation has not been availed of by the people. The chief reason is on account of the cumbrousness of the procedure in connection with the enquiries. It is certainly desirable that some enquiry should be held, but the mode prescribed by the rules is not sympathetic.

Mr. Vieyra.—These objections were all considered duly. The Government officers have to go through a certain procedure and some safeguards are necessary.

President.—These details may be considered in the Select Committee and it would be well to put Mr. Udaya Varma Raja on the Committee.

The Council having affirmed the principle of the Bill, Mr. Vieyra proposed that it be referred to a Select Committee consisting of Messrs. Sankara Pillai, Udaya Varma Raja and the Mover, to report within two months.

The motion was put and agreed to.

THE FACTORIES BILL.

Mr. Sankara Menon.—I beg to present the report of the Select Committee on the Factories Bill and request that it may be taken into consideration.

Section 2.

Mr. Udaya Varma Raja.—I beg to propose that in Section 2, sub-section (1), the words "for not less than four months in any one year" be inserted between the words "carried on" and "any process" in the definition of 'factory'.

Sir, there is nothing new in the proposition I have now placed before the Council. This is only a qualification or limitation that occurs in the British Indian Act. The learned Mover of the Bill had also the goodness to adopt it in his draft Bill. I am only sorry that the Select Committee have, in considering the Bill, simply taken away this wholesome concession without assigning a single reason or adding a word of explanation. They have recommended the exclusion of certain classes of factories from the purview of the Bill. If indigo factories and premises used only for the purpose of tea or coffee plantation are excluded, I do not see the reason why ginning factories and such others as work for less than four months should not be excluded. Again in clause (*b*) of this Section, we find that the number of hands that may be simultaneously employed in any manual labour in any factory is ordinarily fixed at fifty. Evidently this is a concession granted to owners of mills. If a margin like this can be allowed for the employment of labourers in factories, it is nothing but just that some consideration is made in the case of short-termed factories.

Mr. Sankara Menon.—There is no doubt that, under Section 2 of the Indian Factories Act, all factories which work for 'less than four months on the whole in any one year' are excluded from its operation. The question whether this exclusion should be maintained in the new Factories Act has been considered at some length by the Factories Commission appointed by the Government of India last year. The Commission after a careful consideration of the question has reported to the Indian Government that there should be no exclusion of the sort suggested. Their reasons are exhaustively given in paras 78 and 79 of the Report. I may also add that the Government of India, after consulting with the various local Governments, came to the same conclusion in 1905. "It is sufficient to say," as the Commission observes, "that the present limitation is indefinite and difficult to work in practice; that it excludes from all control a class of factories where abuses are peculiarly liable to occur (the Commissioners refer to cotton ginning factories which are usually constructed on the cheapest lines) and that our investigations enable us to say positively that the withdrawal of this limitation will inflict no appreciable hardship upon any industry."

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For these reasons, I oppose the amendment.

Mr. Kuruvila.—I beg to draw attention to Section 31 of the draft Bill, which gives power to Government to exempt any factory from the Regulation.

Mr. Vieyra.—In Travancore, the tea factories are many and I think that it is necessary that they should all come in. Even the indigo factories should not be exempted. As a matter of fact, we find it difficult now to inspect the tea factories.

President.—I think that the bracketed portion, namely, "other than indigo factories or premises situated on, and used solely for the purposes of, a tea or coffee plantation" may be omitted. In the light of Section 31, Mr. Udaya Varma Raja's amendment is probably not necessary.

Mr. Udaya Varma Raja then proposed, instead, the omission of the words within the brackets.

Seconded by Mr. Subramania Iyer.

Carried.

Section 3.

Mr. Ananda Row.—I beg to propose that the words "Our Government" be substituted for the words "the official" in line 2 of Section 3. It is purely a verbal amendment and is intended to keep the wording uniform.

Seconded by Mr. Sankara Pillai.

Carried.

Section 6 A.

Mr. Udaya Varma Raja.—I beg to propose that a new Section to the effect that "No adult male operative shall be actually employed in any factory for more than 11 hours in any one day" be introduced between the 6th and 7th Sections.

Sir, it seems to be rather hard that there should be no restriction in the Bill regarding the employment of adult male operatives. I admit that the British Indian Act makes no provision for it. That is no reason why we should be silent on the point. It is known to you, Sir, that the principal question referred to the Factory Labour Commission was, whether there should be a legal enactment to limit the working hours of the adult male-operatives in a factory. They think that there is no necessity for it. Yet they consider that in textile factories adult males work more hours than in others. What I say is, that so long as no restrictions are imposed upon the daily work of male operatives, the tendency will always be to give them excessive work in each and every factory. The Bill limits the working hours of women and children, but is silent regarding those of adult males. The natural inference is that the law will have no hold upon one if one were to make adult males work day and night. I say the law would be indirectly encouraging factory owners to do what they ought not to. Imagine the fate of a few operatives who are completely at the mercy of their masters. Imagine the hardship of those poor fellows who are driven round and round, days and nights, like dumb cart bulls. It pained me to the quick, Sir, to read in a recent issue of 'the Malayala Manorama' that the operatives of some Travancore factories work from 4 A. M. to 9 P. M. every day. Excessive work, poor wages, hard penal rules for absence, want of holidays—all these place the unfortunate labourers at a disadvantage, the enormity of which may be better imagined than described.

It is generally admitted by the managers of jute mills that labourers in their mills have not more than ten or ten and a half hours of work. In the woollen mills of Cawnpore, the day averages between ten and thirteen hours. But in other industries, such as engineering works, potteries, &c., the hours of work seldom exceed ten. The experienced and enlightened manager of the "Empress Mills" at Nagpore stated in his evidence before the Factory Labour Commission that the hours of work must be limited to eleven. I strongly recommend his proposal to the Council and move that the working hours of adult male operatives be limited to eleven hours a day.

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Mr. Sankara Menon.—Except on most cogent grounds, Government have no right to interfere by the imposition of a direct restriction on the working hours of adult male factory operatives. To do such a thing will be against the interest of our infantile industries. No necessity has been shown and such a restriction exists in no part of the world. The majority of the Factory Commissioners are of opinion that such a restriction is not necessary. In para 46 of their Report they say "firstly we do not consider that any case has been made out in favour of applying a principle which is admittedly of somewhat doubtful vitality, which commands acceptance in very few countries, which is open to the gravest objections from a practical point of view and which supplies a remedy very much more drastic than the circumstances of the case demand." Again, in para 47, they say "we are strongly opposed to any direct limitation of adult working hours, because we consider that there is no necessity for the adoption of this drastic course, because we are convinced that it would cause the gravest inconvenience to existing industries, most of which have never worked long hours and because we think that such a measure would seriously hamper the growth of industrial enterprise." This opinion is strongly supported by the evidence of such men as Messrs. Mudholkar, Wadia, Denshaw Petit, W. A. Brady, Faulzabhoy Currimbhoy Ebrahim and others. The Bengal Chamber of Commerce, the Calcutta Jute Association and other bodies are also of the same opinion. No doubt Dr. T. M. Nair thinks that there should be a limit of 12 hours fixed and his reasons are based on the facts, he says, he found in most mills in British India. According to him, "the charge of working long hours habitually has clearly been proved against the textile industries in India" and so he is of opinion "taking all the circumstances of the case into consideration, nothing but legislative restriction of the hours of adult labour within reasonable limits will effectively prevent these long hours from being worked." None of these reasons exist here and I am not therefore prepared to accept the proposed amendment.

The motion was put to the vote and lost.

Section 7.

Mr. Udaya Varma Raja.—I beg to propose that in sub-section (1) to Section 7, the words "except a factory for ginning cotton" be omitted and the word "seven" be substituted for "half past five" and the word "five" for "seven".

Sir, I very much question the propriety of employing women in any factory before sunrise or after sunset. The Section goes so far as to suggest that females may be detained in ginning factories even later than 7 P. M. The Select Committee express their opinion that work of a light kind can well be done by women without any danger for more than 12 hours. I fear they have considered only the aspect of physical deterioration. I rather think that we should look from a different standpoint upon the question of employing women in factories at night time.

Mr. Vieyra.—I agree with my friend Mr. Udaya Varma Raja that there need be no exemption in favour of cotton ginning factories, in regard to the hours of work of female operatives. But I think that to restrict the hours of work between 7 A. M. and 5 P. M. will not be to the interests of the female operatives themselves. I beg to propose instead that the word "six" be substituted for "half past five" in line 4 of sub-section 1.

Mr. Udaya Varma Raja acceded to this modified amendment.

The motion was put and agreed to.

Mr. Udaya Varma Raja.—I beg to propose that in sub-section (2) to Section 7 the word "nine" be substituted for the word "twelve".

Sir, in moving this amendment, I have to observe in the first place that the Bill wants to subject our women to 12 hours' work, while the British Indian Act allows to their sister labourers only 11 hours' work. I do not know why the learned Member in charge of the Bill has given our women one hour's work more. In the second place, I wish to point out that the Factory Labour Commission are not

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satisfied with the extent of the restrictions which the existing British Act imposes upon the employment of women. They therefore propose to increase them and bring them almost on a level with those of children. I wish further to bring to the notice of the Council the fact that in Bombay female operatives seldom work for more than ten hours a day, though the law empowers mill owners to employ them for eleven hours a day. I therefore propose this amendment.

Mr. Ananda Row.—I think it would be enough if the maximum of the hours of work of female operatives be fixed at eleven.

Mr. Udaya Varma Raja accepted the modified amendment.

The motion was put and agreed to.

Section 8.

Mr. Udaya Varma Raja.—Corresponding to the amendment made in sub-section (1) to Section 7, I beg to propose that the word "six" be substituted for "half past five" in line 2 of sub-section (2) to Section 8.

Seconded by Mr. Vieyra.

Carried.

Mr. Sankara Pillai.—I beg to propose that sub-section (4) of the Section be omitted.

Seconded by Mr. Sankara Menon.

Carried.

The Council dispersed at 2 P. M. and met again at 3--30 P. M.

Section 10.

President.—We have no cotton cultivation in the country. There is therefore hardly any necessity for Section 10.

Mr. Vieyra.—I beg to propose that Section 10 of the Bill be omitted.

Seconded by Mr. Ananda Row.

Carried.

Section 12.

Mr. Vieyra.—I beg to propose that in place of the words "English and the language of the majority of operatives in such factory" in line 5 of Section 12 (1), the words "Malayalam and Tamil" be substituted.

Seconded by Mr. Sankara Pillai.

Carried.

Mr. Sankara Menon.—I beg to propose that the words "not later than the first day of the month to which it relates" in line 3 of sub-section (2) of the Section be omitted and the following substituted therefor:—

"within a month after it is first put up; and all changes, if any, made in it from time to time, shall be notified to the local Inspector within seven days of making such changes."

Seconded by Mr. Ananda Row.

Carried.

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Section 23.

Mr. Sankara Menon.—I beg to propose that in place of the words "such authorities" in line 9 of the Section, the words "the local Inspector and such other authorities as Our Government may prescribe and" be substituted.

Seconded by Mr. Sankara Pillai.

Carried.

Section 25.

Mr. Sankara Menon.—I beg to propose that the words "or intimation of change given to him" be inserted between the words "Inspector" and "as" in line 3 of clause (*c*) to sub-section (1) of the Section. This is intended to make penal all omissions to notify changes in the notices referred to in Section 12, sub-section (2).

Seconded by Mr. Vieyra.

Carried.

President.—Sub-section (2) to Section 25 provides punishment for a child under 14 years for using a false certificate of fitness. I think there would be nothing gained by punishing the child. It is the parents that should be punished. Under the Section, it is the children between 9 and 14 that would be punished, which is not desirable on principle. The children themselves may not know what is good and what is bad and it is possible that they will be used for the commission of crime. The ordinary law should suffice to deal with the parents. As regards the defaulting managers, they can be punished under the other provisions of the Regulation for contravening its provisions. It is therefore a matter for consideration whether the sub-section may not be omitted.

After some discussion, the Council unanimously resolved to omit the sub-section.

Section 27.

Mr. Sankara Menon.—I beg to propose that the words "the occupier's" be substituted for the word "his" in line 3 of clause (*b*) to sub-section (1) of the Section. The amendment is to make the meaning clear.

Seconded by Mr. Ananda Row.

Carried.

Section 30.

Mr. Ananda Row.—I beg to propose that the words "Our Government" be substituted for the words "the official" in line 2 of sub-section (3) to the Section.

Seconded by Mr. Sankara Pillai.

Carried.

After the whole Bill had been considered, the Council resolved that the Bill as amended be recommitted to the Select Committee, with instructions to go through it again. The Committee were also authorised to invite the opinions of the various interests affected by the Bill in the form in which it is now settled and the Committee were required to submit their report before the next meeting of the Council.

The Council adjourned at 5 P. M.

P. RAJAGOPALA CHARI,
President.

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